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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/284,244      | 04/14/1999  | YOSHIKAZU TOMIDA     | P7314-9005          | 2065             |

4372 7590 12/04/2006

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| EXAMINER |
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PIZIALI, JEFFREY J

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2629

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/284,244

Examiner

Jeff Piziali

Applicant(s)

TOMIDA ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 25 April 2005 (originally submitted 29 May 2001) is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.



## Continuation of 4(e) Other:

The 'Amendment Under 37 CFR §1.121' filed 25 April 2005 (and originally submitted 29 May 2001) constitutes an amendment of the claims, wherein the use of brackets or underlining is unclear.

Brackets or underlining are commonly used to indicate amendments or changes in the claims as provided in 37 CFR 1.121(a)(2)(ii) and are normally not intended to be printed in the published patent.

In the reply filed 25 April 2005 (originally submitted 29 May 2001), applicant has used underlining in such a manner that it is unclear to the examiner whether the underlining is intended to appear in the patent.

The underlining is unclear because the term "attribute." has been underlined in claim 2, line 10 [see Page 8 of the 'Amendment Under 37 CFR §1.121' filed 25 April 2005 (and originally submitted 29 May 2001)], suggesting that this subject matter is meant to be added to claim 2 by the applicants. However, the examiner respectfully notes this same exact "attribute." subject matter was present in the immediate prior version of the claim language (see Page 43 of the originally submitted patent application, filed 14 April 1999). Therefore, it is now unclear if the applicants are intending for the aforementioned underlining to appear in the patent.

Furthermore, it is respectfully noted that a page break between "a character code, a font attribute, and a display" (see Page 42/1 of the originally submitted patent application, filed 14 April 1999) and "attribute." (see Page 43 of the originally submitted patent application, filed 14 April 1999) appears to have been made to the newly amended claim 2 [see Page 8 of the 'Amendment Under 37 CFR §1.121' filed 25 April 2005 (and originally submitted 29 May 2001)] without the use of brackets around the matter deleted.

If underlining and/or bracketing is intended to appear in the claims in the published patent, such intention must be clearly indicated in applicant's reply to this notice.

Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply an amendment in compliance with 37 CFR 1.121 and this notice in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

A telephone call was made to Mr. George E. Oram, Jr. (Registration Number 27,931) on 16 November 2006 to seek clarification of the amendment's intent from the applicants, but did not result in a clarification being made.

The applicants are hereby notified that the examiner's art unit has recently changed from Art Unit 2673 to Art Unit 2629, please direct all future correspondence accordingly. Thank you.



Jeff Piziali  
16 November 2006